



Republic of the Philippines  
**BANGSAMORO PARLIAMENT**  
Bangsamoro Autonomous Region in Muslim Mindanao  
BARMM Compound, Cotabato City

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**BANGSAMORO TRANSITION AUTHORITY  
(FIRST REGULAR SESSION)**

**BANGSAMORO AUTONOMY ACT NO. 4**

Begun and held in Cotabato City, on Friday, the 29th day of March, 2019.

**AN ACT  
OPERATIONALIZING THE ESTABLISHMENT  
OF THE BANGSAMORO HUMAN RIGHTS COMMISSION, PROVIDING  
FOR ITS MANDATE, POWERS, AND FUNCTIONS, APPROPRIATING  
FUNDS THEREFOR, AND FOR OTHER PURPOSES**

Be it enacted by the Bangsamoro Transition Authority Parliament in session assembled:

**Article I  
TITLE**

**Section 1. Title.** – This Act shall be known as the "Bangsamoro Human Rights Act of 2019."

**Article II  
POLICY AND PRINCIPLES**

**Section 2. Declaration of Policy.** – The government values the dignity of every human person and guarantees full respect for human rights. It shall give the highest priority to the enactment of measures that protect and enhance the right of all people to human dignity at all stages of human life.

**Section 3. Principles of Human Rights.** – It is hereby recognized that human rights are universal, inalienable, interdependent, indivisible, and interrelated.

**Section 4. Sources of Human Rights.** – The sources of human rights under this Act are the Universal Declaration of Human Rights, international human rights instruments to which the Philippines acceded including their optional protocols, customary laws, international norms, generally-accepted principles of international law, the Philippine Constitution, statutes including the Bangsamoro Organic Law, and the acts of the Bangsamoro Parliament.

**Section 5. Human Rights Promotion.** – Human rights promotion refers to initiatives that empower individuals, groups, or peoples to assert and claim their human rights, and enable duty bearers to comply with their human rights obligations.

**Section 6. Human Rights Protection.** – Human rights protection refers to services that are designed to compel duty bearers to fulfill, respect, and protect human rights.

There is fulfillment of human rights when the duty bearers take positive steps in facilitating the enjoyment of human rights.

There is respect for human rights when the duty bearers refrain from interfering with or curtailing the enjoyment of human rights.

There is protection of human rights when the duty bearers protect individuals, groups, and peoples from acts or omissions from government or non-government actors that would constitute human rights violations or abuses.

**Section 7. Primary Duty Bearer.** – The primary duty bearer is the government, which includes the national government, the Bangsamoro Government, local governments, the security sector, departments, bureaus, offices, and instrumentalities of the government, government-owned or controlled corporations, government financial institutions, and other government entities. It also includes any person acting on behalf of the government, such as military officials and personnel, members of the police, jail and correctional wardens, other law enforcers, and all officials and employees of the civil service.

**Section 8. Rules of Interpretation.** – This Act shall be liberally construed in favor of the enjoyment and exercise of human rights.

### **Article III BANGSAMORO HUMAN RIGHTS COMMISSION**

#### **A. Mandate and Nature**

**Section 9. Bangsamoro Human Rights Commission.** – The Bangsamoro Human Rights Commission, hereinafter referred to as the “Commission,” created under Section 7, Article IX of Republic Act No. 11054, otherwise known as the Bangsamoro Organic Law of the Bangsamoro Autonomous Region in Muslim Mindanao, shall be the human rights institution of the Bangsamoro.

**Section 10. Mandate.** – As the human rights institution of the Bangsamoro, the Commission shall promote and protect human rights and, during armed conflict, uphold international humanitarian law.

**Section 11. Independence.** – The independence of the Commission is guaranteed. It shall not be subject to interference, directly or indirectly, from any government or private entity.

**Section 12. Fiscal Autonomy.** – The Commission shall have fiscal autonomy. It shall be provided with adequate funding, which shall be regularly and automatically released. Annual appropriation of funds to the Commission shall not be reduced from the amount it received in the preceding fiscal year. The compensation, emoluments, privileges, or any other benefits enjoyed by the Chairperson, Commissioners, and all its officials and employees under this Act shall not be decreased.

## **B.**

### **Composition, Appointments, and Term of Office**

**Section 13. Composition.** – The Commission shall be composed of a Chairperson and two (2) Commissioners.

**Section 14. Qualifications.** – The Chairperson and the Commissioners shall possess the following qualifications:

- (a) must be of proven integrity, professional competence, probity, and independence;
- (b) must be residents of the Bangsamoro Autonomous Region for at least two (2) years on the date of the appointment;
- (c) must be natural-born citizens of the Philippines;
- (d) must be at least thirty (30) years of age at the time of appointment;
- (e) must have at least five (5) years of relevant experience in human rights promotion and protection;
- (f) for the Chairperson, must be a regular member of the Philippine Bar who has been engaged in the practice of law for at least five (5) years; and
- (g) for the Commissioners, must be holders of a bachelor's degree from colleges and universities recognized by the National Government, and preferably be members of the Philippine Bar.

**Section 15. Disqualifications.** – The following persons are disqualified from appointment as Chairperson or Commissioner of the Commission:

- (a) those who have been:
  - (1) found culpable of human rights violations or abuse;
  - (2) sentenced by final judgment of any offense involving moral turpitude; or
  - (3) removed from office or suspended for at least one (1) year as a result of disciplinary action from the government or private sector;
- (b) those with dual citizenship;
- (c) those who are fugitives from justice;
- (d) those who have acquired the privilege to reside abroad; or,
- (e) those who are otherwise disqualified by law.

**Section 16. Appointment and Term of Office.** – The President shall appoint the Chairperson and Commissioners of the Commission from a list of three recommendees for each position from the Chief Minister. They shall serve for a term of seven (7) years.

For the first appointees under this Act, the term of office shall be staggered. The Chairperson shall hold office for seven (7) years and the two (2) Commissioners shall serve for five (5) and three (3) years, respectively.

The term of the Chairperson and Commissioners shall start on the day immediately after the end of the previous term, regardless of the date of appointment. No person herein appointed shall be eligible for reappointment either as Chairperson or Commissioner, except as provided below, nor be designated in a temporary or acting capacity.

Appointment to any vacancy occurring during the term shall only be for the unexpired portion thereof. Such appointee shall not be eligible for reappointment except when the latter served for less than two (2) years.

### C.

#### **Prohibitions and Entitlements**

**Section 17. Prohibition.** – The Chairperson or Commissioners shall, during their tenure:

- (a) not hold any other office or employment in any government or private institution;
- (b) not engage in the practice of any profession or in the active management or control of any business;
- (c) not be financially interested, directly or indirectly, in any contract with or in any franchise or privilege granted by the government; and
- (d) avoid conflict of interest in the conduct of their office.

**Section 18. Salary, Retirement, Benefits and Other Privileges of the Chairperson and the Commissioners.** – The Chairperson shall receive a compensation equivalent to Salary Grade 28 along with the privileges, emoluments, and benefits attached thereto. The Commissioners shall receive a compensation equivalent to Salary Grade 27 along with the privileges, emoluments, and benefits attached thereto.

### D.

#### **Organizational Structure**

**Section 19. Organizational Structure.** – The Commission shall have the following organizational structure:

- (a) Commission Proper;
- (b) Office of the Chairperson;
- (c) Office of the Secretariat of the Commission;
- (d) Provincial Director Offices; and
- (e) Such other offices as may be required by the performance of its mandate, powers, and functions.

**E.**  
**Commission Proper**

**Section 20. Commission Proper.** – The Commission Proper shall consist of the Chairperson and the two Commissioners, sitting as a collegial body. It shall be the highest decision-making body of the Commission and shall exercise the mandate, powers, and functions of the Commission. It shall transact its official business upon the decision of the majority with the presence of a quorum. The quorum shall be considered to exist when a majority of the appointed members are present.

**Section 21. Presiding Officer.** – The Chairperson shall preside over the meetings of the Commission. In his/her absence, the Commissioner more senior in the order of appointment shall preside.

**Section 22. Regular and Special Meetings.** – The Commission, without prior call, shall conduct regular meetings every first and third Monday of the month at its principal office or at any other place as it may determine. If it falls on a non-working day, the meeting shall be held on the following working day without a call. Special sessions may be called, for good cause, by the Chairperson or by any Commissioner.

**Section 23. Open Meeting.** – All investigative sessions shall be open to the public except when confidentiality is necessary. Meetings that pertain to administrative and internal matters shall be held in executive session.

**F.**  
**Chairperson and Commissioners**

**Section 24. Office of the Chairperson.** – The Chairperson shall be the Chief Executive of the Commission, vested with the following powers and functions:

- (a) exercises administrative supervision over all officials and employees of the Commission, except the Commissioners, including on matters of hiring, designation, reassignment, rotation, secondment, detail, and disciplining. Provided that when the action involves the removal of a personnel, it should be with the concurrence of the Commission Proper;
- (b) approves authority to travel, local or abroad, of the Commissioners. Provided that in case of the Chairperson, approval shall be obtained from any Commissioner with the attestation of the Director of the Office of the Secretariat of Commission.
- (c) exercises full supervision and oversees the implementation of all programs, projects, services, and activities of the Commission;
- (d) represents the Commission in all its business transactions and signs, on its behalf, contracts, and obligations, and such other documents made pursuant to a resolution of the Commission Proper;
- (e) acts as the focal point of communication of the Commission; and,
- (f) performs such other powers as may be vested by the Commission Proper.

**Section 25. Vacancy in the Office of the Chairperson.** – In case of vacancy in the Office of the Chairperson, the Commissioner more senior in appointment or the lone remaining

Commissioner shall automatically act as Chairperson without need of appointment. Such acting capacity shall be automatically terminated upon the assumption to office of the newly appointed Chairperson.

**Section 26. Commissioners.** – The powers and functions of the two Commissioners are limited to policy-making as members of the Commission Proper. The Commissioners as such shall not exercise executive powers and functions except when designated, in an Officer Order, by the Chairperson as Officer-in-Charge. A Commissioner can also be designated as focal person for any subject matter by the Chairperson.

#### **Article IV POWERS AND FUNCTIONS**

**Section 27. Powers and Functions.** – In the fulfillment of its mandate, the Commission shall exercise the following powers and functions:

- (a) promote human rights through education and training, public awareness, and publications;
- (b) protect human rights and uphold international humanitarian law through conducting investigations, monitoring, fact-finding missions, and public inquiries, reporting the results of the same, and proceeding with prosecution when warranted;
- (c) advise the government, at its own instance or upon request, on the promotion and protection of human rights and international humanitarian law;
- (d) protect human rights defenders;
- (e) act as the transitional justice mechanism;
- (f) perform administrative functions, particularly:
  - (1) implement its organizational structure and staffing pattern;
  - (2) adopt:
    - (i) an annual budget for the approval of the Parliament;
    - (ii) strategic plans taking into account the context on which it operates, for purposes of setting its priorities and for the proper allocation of its financial and human resources;
    - (iii) programs, activities, projects, services, and initiatives pursuant to its mandate, powers, and functions;
    - (iv) communications and information plans;
    - (v) monitoring and evaluation mechanisms;
    - (vi) a manual of operations; and
    - (vii) a seal and logo;
  - (3) approve core services in accordance with its mandate, powers, and functions;
  - (4) conduct performance audit over investigation personnel and administrative staff;
  - (5) solicit and accept grants, aid, donations, and gifts, in cash or in kind, or enter into agreements with any legitimate entity, local or foreign, consistent with its mandate, provided that it will not undermine its independence; and,

- (6) acquire, possess, and dispose of real and personal properties in furtherance of its mandate;
- (g) perform such other powers and functions as may be provided by law, consistent with its mandate, independence, and fiscal autonomy.

**Section 28. Gender and Development Ombud.** – Without prejudice to Republic Act No. 9710 otherwise known as Magna Carta of Women, the Commission shall act as the Gender and Development Ombud for the Bangsamoro. It shall undertake measures relating to promotion and protection of women’s rights under said law and international human rights instruments.

**Section 29. Children Ombud.** – Without prejudice to Republic Act No. 9344 otherwise known as Juvenile Justice and Welfare Act of 2006, the Commission shall act as the Children Ombud for the Bangsamoro. It shall ensure that the status, rights, and interests of children are upheld in accordance with the statutes, Constitution, and international instruments on human rights.

**Section 30. Powers of the Commission as Gender and Development Ombud and Children Ombud.** – Pursuant to the foregoing two preceding sections, the Commission shall:

- (a) monitor the government in developing indicators and guidelines in compliance with their duties related to respecting, promotion, and fulfilment of the human rights of women and children;
- (b) investigate human rights violations relating to women and children;
- (c) establish guidelines and mechanisms, among others, that will facilitate access of women and children to legal remedies and related laws, and enhance the protection and promotion of their rights, especially those who are marginalized;
- (d) assist in the filing of cases against individuals, agencies, institutions, or establishments that violate the provisions of the Magna Carta of Women and the Juvenile Justice and Welfare Act; and
- (e) recommend to the disciplining authority or the Civil Service Commission any possible administrative action based on non-compliance or failure to implement the provisions of the Magna Carta of Women or the Juvenile Justice and Welfare Act.

## **Article V HUMAN RIGHTS PROMOTION**

**Section 31. Education and Training.** – The Commission shall conduct regular education and training for the promotion of human rights with the objective of informing all people of their rights including the redress mechanisms in case of violation and abuse, and inculcating upon them the human rights of others and their corresponding responsibilities in the promotion and protection thereof.

**Section 32. Public Awareness.** – The Commission shall undertake human rights public awareness campaigns, events, seminars, workshops, fora, and summits; engage the mass media, issue press statements, conduct press conferences and interviews; utilize social media and the internet; and employ other means of communication in promoting human rights in public spaces.

**Section 33. Publication.** – The Commission shall publish, in print or on-line, newsletters, information, education, and communication materials, training materials, and such other publication necessary for the promotion of human rights.

## Article VI HUMAN RIGHTS PROTECTION

### A. Investigation

**Section 34. Investigation.** – The Commission shall conduct investigations, upon complaint or *motu proprio*, of alleged or purported human rights violations and abuses committed within the Bangsamoro Autonomous Region. Investigation conducted by any other tribunal shall not be a bar to the performance of this function.

The Commission shall likewise investigate, upon complaint or *motu proprio*, violations of international humanitarian law and its implementing statute, Republic Act No. 9851, otherwise known as the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity.

The National Commission on Human Rights and the Commission may agree to conduct joint investigations on human rights violations and abuses that occurred either outside the Bangsamoro Autonomous Region when the the subject of the investigation involves Bangsamoro, or within the Bangsamoro Autonomous Region when the subject of the investigation is of national complexion.

**Section 35. Rules of Procedure.** – The Commission shall promulgate a Rules of Procedure that will govern the conduct of its investigations. The Rules shall be consistent with international human rights standards, and shall provide for, among others:

- (a) permitting the victim or any other individual, group, or people possessing personal knowledge of the facts surrounding the human rights violation or abuse, to file a complaint;
- (b) permitting the filing of anonymous complaints;
- (c) confidentiality of the identity of the victims, the witnesses, and their respective families, when there is danger or threat of harassment or reprisal, upon their persons and properties, in connection with the complaint;
- (d) citing for contempt those who are found to have willfully obstructed the lawful exercise of the investigative powers and other lawful orders of the Commission; and,
- (e) keeping a Journal and Records of its proceedings with due regard to matters that require confidentiality.

**Section 36. Ancillary Powers.** – The Commission shall have the following ancillary powers in order to effectively conduct proper investigations:

- (a) to administer oaths;
- (b) to issue compulsory subpoena in order to:



- (1) secure the attendance of witnesses; and/or
- (2) produce documentary or object evidence;
- (c) to require the assistance and cooperation of government or private entities;
- (d) to cite for direct or indirect contempt;
- (e) to petition for the issuance of Writs of Amparo, Habeas Data, Habeas Corpus ,or Mandamus;
- (f) to issue preventive and mandatory measures, as described in Sec. 39;
- (g) to deputize lawyers, legal aid groups, or medical organizations; and,
- (h) to perform such other powers and functions as may be necessary in the effective exercise of its investigative powers and functions.

**Section 37. Imprescriptibility.** – No statute of limitation shall apply in the investigation of human rights violations and abuses.

**Section 38. Preventive and Mandatory Measures.** – The Commission may issue compulsory measures, incident to its investigation, as follows:

- (a) preventive measures:
  - (1) Preventive Protection Order is a measure ordering respondent to refrain from committing acts that would tend to cause irreparable harm to the victims or complainant, or have the effect of rendering the investigation of the Commission moot and academic;
  - (2) Preventive Transfer Order is an order directing any member of the government or any person acting on its behalf, to immediately desist from hiding, transferring, torturing or abusing victims of human rights violations or abuses; and
  - (3) Preventive Desistance Order is an order prohibiting respondent, any units, personnel, or persons under his/her immediate supervision from entering the vicinity, as may be determined in the order, of the affected area or residence of any person whose human rights are being violated or are in danger of violation, and from searching the victim or his/her belongings;
- (b) mandatory measures:
  - (1) Mandatory Protection Order is an order directing the government to provide specific protection to victims of and witnesses to human rights violations or abuses;
  - (2) Mandatory Access Order is an order directing the government in control of any place of detention or confinement to allow access to persons deprived of liberty by his/her counsel, physician, psychologist, priest, pastor, rabbi, imam, or any spiritual adviser and his/her relatives; and
  - (3) Mandatory Transfer Order is an order directing the government to transfer persons deprived of their liberty or in danger of reprisal or retaliation due to the filing of a complaint in connection with his/her detention, in order to secure the safety of his/her person.

**Section 39. Accessibility of Redress.** – The Commission shall make accessible all its mechanisms for redress of human rights violations and abuses. It shall adopt e-filing of complaints or reporting, and provide a hotline open for twenty-four (24) hours. It shall make personnel available during holidays and non-working days in order to perform its mandate. These personnel shall be given the necessary additional compensation for those worked days.

**Section 40. Financial and Legal Assistance.** – The Commission shall extend, in the course or as a result of the investigation, financial and/or legal assistance to the victims of human rights violations and abuses whose complaints have been given due course thereby. It shall work with the Public Attorney’s Office, human rights organizations, lawyers’ groups, the civil society, the Integrated Bar of the Philippines, and school-based legal aid clinics for the representation of such victims who are qualified for free legal assistance.

The Commission may engage the services of a private lawyer to represent or render legal service to indigent and detained victims of human rights violations and abuse, whether the cases are heard within or outside the Bangsamoro Autonomous Region. This shall be exempt from the coordination and notification requirements to any instrumentality of the Bangsamoro Government.

**Section 41. Witness Protection.** – The Commission shall implement and manage a witness protection program which consists of, among others, provision of security, shelter, relocation, and financial assistance to witnesses and their families in order to secure their attendance in investigations being conducted by the Commission and to ensure the production and preservation of the integrity of evidence.

## **B. Monitoring**

**Section 42. Monitoring.** – Monitoring refers to the active collection, verification, and use of documents and information from various relevant sources in order to ascertain the existence or non-existence of certain facts and/or conditions. In the protection of human rights, the Commission shall conduct:

- (a) *policy monitoring* or assessing, evaluating, and reviewing the government’s compliance with human rights standard with regard to its legislation, regulations, rules, guidelines, actions, and practices.
- (b) *thematic monitoring* on pervasive, rampant, and widespread human rights violations and abuses;
- (c) *sectoral monitoring* on specific sectoral issues on human rights;
- (d) *incident monitoring* in the event of human rights violations or abuses in a particular location that require urgent action;
- (e) *progressive realization monitoring* of policies, activities, programs, and projects of the government in relation to the full realization of economic, social, and cultural rights to the maximum of their available resources;
- (f) *facility monitoring*, without restriction, of the compliance with human rights standards of government facilities, such as:
  - (1) government offices;

- (2) police and military stations, installations, camps, and bases and their training schools; and,
  - (3) jails, prisons, detention facilities (including those inside military camps), police lock-up cells, youth homes, and any detention, rehabilitation, confinement, and other similar facilities.
- (g) such other forms of monitoring as may be provided by the Rules of Procedure.

### C.

#### **Fact-Finding Mission**

**Section 43. Fact-Finding Mission.** – The Commission may create and conduct, at its own initiative, a fact-finding mission to obtain, objectively and impartially, detailed knowledge of relevant facts on human rights violations and abuses.

### D.

#### **Public Inquiry**

**Section 44. Public Inquiry.** – The Commission may collect evidence, analyze documents, and examine witness testimonies in public inquiry on systemic or general human rights violations.

### E.

#### **Reporting**

**Section 45. Reporting.** – The Commission shall prepare, issue, and publish reports including but not limited to:

- (a) Annual Reports, containing:
  - (1) statistics and data indicating the nature of complaints received;
  - (2) findings, results, and recommendations on the conduct of investigations, monitoring, and fact-finding missions;
  - (3) identification and analysis of the factors which contributed to the human rights violations and abuses;
  - (4) assessment of the legal mechanisms of government in providing adequate human rights protection; and
  - (5) recommendations for legal, legislative, and institutional reforms for the greater promotion, respect, protection, and fulfillment of human rights.
- (b) Public Inquiry Reports, which identify systemic or general human rights violations and abuses;
- (c) Financial Reports, containing its financial statements, expenditures, and sources of funds;
- (d) Special Reports, pertaining to human rights of particular group or specific human rights theme; and
- (e) Such other reports as may be determined by the Commission.

**Section 46. Reporting on International Human Rights Mechanism.** – The Commission shall actively and regularly engage with the National Commission on Human Rights for sharing of information on the status of compliance with the human rights obligations and commitments

for purposes of reporting to international human rights mechanisms such as the Human Rights Council, Special Procedures, Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women, Committee against Torture, Committee on Rights of Child, Committee on Migrant Workers, and Committee on Rights of Persons with Disabilities.

## **Article VII ADVISING THE GOVERNMENT**

***Section 47. Power to Advise the Government.*** – The Commission shall:

- (a) advise the government, in the form of findings, reports, and/or recommendations, on the manner of implementation and compliance with its human rights obligations;
- (b) summon the government to explain the measures undertaken by its agency on human rights standards;
- (c) recommend international human rights treaties for signature, ratification, or accession by the government; and
- (d) submit its Annual Report to the Office of the President, Office of the Chief Minister, and the Parliament.

***Section 48. Obligation to Respond.*** – The government shall have the duty to respond to the advice of the Commission within a reasonable time. If the advice is addressed to the Parliament, it shall be calendared for parliamentary debate.

***Section 49. Research and Policy Development.*** – The Commission shall pursue research and policy development on various human rights issues for recommendation of appropriate action to relevant bodies of the government. For this purpose, it shall develop its knowledge, skills, abilities, tools, and technical approaches to research and policy development.

## **Article VIII PROTECTION OF HUMAN RIGHTS DEFENDERS**

***Section 50. Safe and Enabling Environment.*** – The Commission shall render services and assistance to human rights defenders. It shall take steps to ensure that the duty bearers comply with their obligation to create a safe and enabling environment in which human rights defenders, whether individually or in association with others, can operate free from harm, reprisals, hindrance, and insecurity. As such the Commission shall:

- (a) monitor and investigate the government and other duty bearers, including law enforcers and military forces, in the protection of human rights defenders;
- (b) provide free legal assistance to human rights defenders and/or assist in the filing of cases against the duty bearers in courts or administrative bodies;
- (c) issue preventive and mandatory measures for the protection of human rights defenders;
- (d) petition for the issuance of writs of *habeas corpus*, *amparo*, or *habeas data* to protect human rights defenders;

- (e) recommend to the disciplining authority or the Civil Service Commission any possible administrative action for acts or omissions in the failure to protect human rights defenders;
- (f) adopt policies to protect the right to defend human rights; and
- (g) assess the effectiveness of and strengthen the government mechanisms for the protection of human rights defenders.

## **Article IX TRANSITIONAL JUSTICE MECHANISM**

**Section 51. Transitional Justice Mechanism.** – Until such time that a law establishing the transitional justice mechanism for the Bangsamoro is enacted, the Commission shall perform the human rights component of the transitional justice mechanism as provided in Section 1, Article IX of Republic Act 11054. In this capacity, the Commission shall document and investigate past human rights violations; collect testimonial, object, or documentary evidence; provide information, data, and documents in relation thereto; provide research and technical support; and promote the transitional justice mechanism. It may also, at its discretion, conduct public inquiries on transitional justice.

Once the transitional justice mechanism is established, the Commission shall make its terminal report and transfer the documents and other data on transitional justice thereto.

## **Article X COORDINATION AND COOPERATION**

**Section 52. Cooperation and Coordination with the National Commission on Human Rights.** – The Commission and the National Commission on Human Rights may enter into a memorandum of agreement for cooperation and close coordination on matters of:

- (a) investigation, monitoring, fact-finding, or public inquiry, which can be pursued jointly;
- (b) mutual assistance in the gathering of testimonial, object, or documentary evidence;
- (c) mutual support for field duties in their respective areas of responsibilities;
- (d) sharing of records on clearances issued to the military, law enforcers, and other government personnel;
- (e) sharing of information, data, and documents;
- (f) referral of cases when the referring party has no jurisdiction or when there is forum-shopping;
- (g) exchange of experiences on good practices and lessons learned on the promotion and protection of human rights;
- (h) capacity-building, technical, and other forms of support;
- (i) dissemination of information, education, and communication materials; and
- (j) such other matters that shall ensure the holistic and unobstructed promotion and protection of human rights.

Pending such memorandum of agreement, the MOA entered into between the Regional Human Rights Commission (RHRC), created by virtue of Muslim Mindanao Autonomy (MMA) Act No. 288 otherwise known as ARMM Human Rights Commission Charter of 2012, and the National Commission on Human Rights shall define their relationship.

**Section 53. Civil Society.** – The Commission shall actively cooperate and coordinate with the civil society and shall meet with civil society organizations quarterly.

**Section 54. International Human Rights Bodies.** – The Commission shall, when requested, coordinate and cooperate with Human Rights Council, Office of the High Commissioner on Human Rights, Special Procedure, Treaty-based bodies, International Committee on Red Cross, other international bodies, international non-government institution, and such other international organizations.

## **Article XI HUMAN RIGHTS CLEARANCE**

**Section 55. Human Rights Clearance.** – In addition to the usual requirements for promotion or appointment of the members of the military, police, other law enforcement agencies, or government officials or employees, no promotion shall be considered by any appointing authority without a certification from the Commission that they have no pending cases therein or they have not been found guilty, by final judgment, of human rights violations or abuses.

## **Article XII TRANSITORY PROVISIONS**

**Section 56. Transfer of Properties.** – All assets, capital, records, accounts, contracts funds, receivables, equipment, and facilities of the RHRC shall be transferred to the Commission. No liabilities shall be absorbed by the Commission.

**Section 57. Hold-Over Capacity.** – The Chairperson and other responsible officers of the RHRC holding appointive positions shall continue to perform their functions in a hold-over capacity, subject to the implementation of the phase out in the Transition Plan approved by the Bangsamoro Transition Authority. The Chairperson of the RHRC shall not issue new appointments during the hold-over period.

**Section 58. Separation of the RHRC Personnel.** – The separation of RHRC personnel shall be subject to the applicable incentives provided by Section 10, Article XVI of RA 11054.

**Section 59. Retirement of the RHRC Chairperson and Commissioners.** – The Chairperson and the Commissioners of the RHRC, whose term of office shall be prematurely terminated, shall receive the same retirement benefits and privileges at a level not lower than those fixed for the Chairperson and Commissioners, respectively, of the National Labor Relations Commission, in accordance with Section 10 of Muslim Mindanao Autonomy Act No. 288.

**Section 60. Appropriations.** – The initial amount of Thirty Million Pesos (P 30,000,000.00) for Personal Services and Twenty Million pesos (P 20,000,000.00) for the initial operation of the office shall be sourced from the Miscellaneous Personnel Benefits Fund and the Contingent Fund, respectively, subject to existing rules and regulations. Subsequent funding requirements shall be included in the Bangsamoro Appropriations Act. The office shall include in its proposed budget the necessary amount to enable it to achieve its mandate.

**Section 61. Separability Clause.** – If any provision of this Act is held unconstitutional, other provisions not affected thereby shall remain valid and binding.


**Section 62. Repealing Clause.** – All other regional acts, decrees, instructions, rules, and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**Section 63. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its publication in a newspaper of regional circulation in the Bangsamoro Autonomous Region.

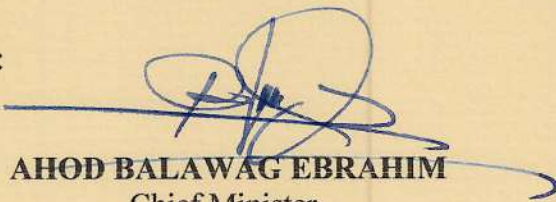
**APPROVED.**

  
**ATTY. ALI PANGALIAN M. BALINDONG**  
Speaker

This Act was passed by the Bangsamoro Parliament on December 20, 2019.

  
**PROF. RABY B. ANGKAL**  
Secretary-General

**APPROVED:**

  
**AHOD BALAWAG EBRAHIM**  
Chief Minister

Date: 01-14-2020